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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91161373
Party	Defendant Barilla Alimentare S.p.A. Barilla Alimentare S.p.A. Via Mantova 166 ITX Parma PR, OH 43100
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Submission	Motion to Extend
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Date	11/01/2005
Attachments	19944.pdf (3 pages)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

American Italian Pasta Company)	
)	
Opposer,)	
)	
v.)	
)	OPPOSITION NO. 91161373
Barilla G. E R. Fratelli)	
- Società Per Azioni)	
(By change of name),)	
)	
Applicant.)	

MOTION FOR EXTENSION OF TIME

Applicant respectfully requests that the Board extend the discovery period and trial dates by two days. As grounds for this motion, Applicant's counsel cites the following good cause:

1. Applicant's counsel belatedly received the Board's September 14, 2005 Order. Specifically, Applicant's counsel's firm did not receive the Order until September 26, 2005, almost two weeks after that Order was issued.
2. On October 18, 2005, Applicant's counsel was hit in a car accident, resulting in an acute back injury which has impaired Applicant's counsel's ability to work since that date. Applicant's counsel has worked part-time since that date and has attempted diligently to finish reviewing Opposer's document productions in order to complete discovery.

ARGUMENT

Fed. R. Civ. P. 6(b) provides that extensions should be granted for cause shown. In interpreting this provision, the TTAB has held that extensions should be granted liberally unless the privilege has been abused.

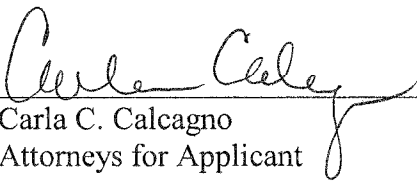
Applicant believes that it has shown good cause for the requested extension. Unfortunately, due to events beyond Applicant's counsel's control, Applicant did not receive the Board's Order scheduling discovery until approximately two weeks after it was issued. Further, Applicant's counsel, through no fault of her own, was involved in a car accident that impaired her ability to work. Applicant has not abused the privilege of extensions in this case, as the record will well reflect.

Moreover, Opposer cannot be prejudiced by the brief extension sought. Applicant is seeking only a two-day extension of the period for discovery so as to allow Applicant's counsel time to complete the investigations needed to finalize her discovery requests. Concurrently herewith, Applicant is serving some additional discovery on the Opposer, but requires additional time to review Opposer's previous responses.

WHEREFORE, Applicant respectfully requests that the Board extend discovery and trial dates by two days.

Respectfully submitted,

Barilla G. E R. Fratelli -
Società Per Azioni

By 
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Dated: November 1, 2005

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing MOTION FOR EXTENSION OF TIME was served via first-class mail, in a postage prepaid envelope, on counsel for Opposer as follows:

Thomas H. Van Hoozer, Esq.
Law Offices of Hovey Williams LLP
2405 Grand Boulevard
Suite 400
Kansas City, Mo. 64108-2519

This 1st day of November, 2005.



Joan Adair